

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

GARY DAVIS,)	
)	2:10cv1108
Plaintiff,)	Electronic Fling
)	
v.)	Judge David S. Cercone /
)	Chief Magistrate Judge Lisa Pupo
SCOTT ADAMS, Duquesne Police Officer;)	Lenihan
HAROLD KLINE, Allegheny County Police)	
Officer; STEPHEN A. ZAPPALA, JR.,)	
District Attorney and LARENCE SACHS,)	
Assistant District Attorney,)	
)	
Defendants.)	

MEMORANDUM ORDER

On March 22, 2011, Chief Magistrate Judge Lisa Pupo Lenihan issued a Report and Recommendation (ECF No. 5), that recommended this action be dismissed without prejudice. It further recommended that the plaintiff be permitted to re-file this action within the applicable statute of limitation period by paying the full filing fee of \$350.00. The plaintiff was served at his address of record, S.C.I. Mahanoy, 301 Morea Road, Frackville, PA 17932. The plaintiff was advised he was allowed fourteen (14) days from the date of service to file written objections to the report and recommendation. As of the date of this order, the plaintiff has filed no objections. After a review of the pleadings and documents in the case, together with the report and recommendation, the following order is entered:

AND NOW, this 14th day of July, 2011;

IT IS HEREBY ORDERED that this action is **DISMISSED** without prejudice.

IT IS FURTHER ORDERED that the plaintiff be permitted to re-file this action within the applicable statute of limitation period by paying the full filing fee of \$350.00.

IT IS FURTHER ORDERED that the Report and Recommendation (ECF. No. 5) of Chief Magistrate Judge Lenihan, dated March 22, 2011, is adopted as the opinion of the court.



David Stewart Cercone
United States District Judge

cc: Gary Davis
HK - 6609
S.C.I. Mahanoy
301 Morea Road
Frackville, PA 17932

(Via First Class Mail)